Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The non-final Office Action dated March 9, 2006, indicated that claims 1-3, 7-9, 13-15 and 19 stand rejected under 35 U.S.C. § 103(a) over L.B. Crocker *et al.* (U.S. Patent No. 3,526,778) in view of Baumgartner *et al.* (U.S. Patent No. 5,142,435); and claims 4, 10 and 16 stand rejected under 35 U.S.C. § 103(a) over L.B. Crocker, in view of Baumgartner and Hawkes (U.S. Patent No. 5,808,883). The present action also indicates that claims 5-6, 11-12 and 17-18 are objected to, but would be potentially allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Applicant appreciates the indication of allowability with regard to claims 5-6, 11-12 and 17-18 if rewritten. Applicant submits that, for the reasons discussed herein, independent claims 1, 7 and 13 are in condition for allowance and further submits that each of claims 5-6, 11-12 and 17-18 depend from one of claims 1, 7 and 13. Accordingly, Applicant submits that the objections to claims 5-6, 11-12 and 17-18 are now overcome, and that the claims 5-6, 11-12 and 17-18 are in condition for allowance.

With respect to the rejections of claims 1, 7, 13 and 19 under 35 U.S.C. § 103(a) over the Crocker '778 reference in view of the Baumgartner '435 reference, Applicant respectfully traverses the rejections because the Office Action relies upon a reference that bears little relation to the claimed invention. Applicant submits that the Office Action mistakenly characterizes various aspects taught by the '778 reference as relating to floating power transfer devices. Instead, the '778 reference is directed to a standby power supply system with multiple power sources. (*See, e.g.*, Abstract and Summary).

More specifically, the Office Action asserts that Fig. 1, element 72, of the '778 reference is a control circuit for controlling the switching of at least one switch of a floating power transfer device. Yet, the Office Action does show how the '778 reference teaches a floating power transfer device. The '778 reference mentions a generator that is said to "float" on the line; however, in this context, the term "float" is used in relation to the mechanical load of the generator being "relatively small." (See, Col.4 lines 60-73).

Thus, the term float, as taught by the '778 reference, describes a motor that mechanically connected to a system but is not driving the system. Thus, the '778 reference has little relevance to the claimed invention for which the term "float" is used in terms of an electrical connection. (*See, e.g.*, Paragraph 20 of the Applicant's Specification). Applicant submits that, in contrast, the '778 reference teaches several (non-floating) power transfer modes corresponding to 1) utility power, 2) diesel generator, and 3) battery power. During power transfer, each of these modes electrically connect the power supply to the appropriate load, and thus, the circuit of taught by the '778 reference does not correspond to the claimed floating power transfer device. More specifically, the '778 reference teaches that the utility source 12 and the diesel generator 28 are each electrically connected to the load 110 in order to drive the motor, while the battery 70 is also taught to be electrically connected to the load 50 to drive the synchronous motor 50. (*See*, Fig. 1 and Col. 4, line 28 to Col. 5, line 65).

The Office Action fails to adequately address another limitation of the claimed invention by erroneously asserting that the '778 reference teaches control of a switch for charging of a reservoir capacitor. The Office Action equates battery 70 of Fig. 1 of the '778 reference, to a reservoir capacitor. Applicant submits that the Office Action lacks a basis for equating a battery to a capacitor. For example, the claimed limitation does not recite a "charge means" as suggested by the Office Action. Notwithstanding this deficiency, the comparison is also lacking because the '778 reference does not teach a floating power transfer device for charging the battery 70. Thus, Applicant submits that battery 70 does not correspond to the claimed capacitor because a capacitor is not equivalent to a battery; and the '778 reference does not each charging the battery 70 using a floating power transfer device.

Moreover, the Office Action admits that the '778 reference does not disclose a pre-charge circuit, while attempting to address this deficiency by combining the '778 reference with the teachings of the '435 reference. Applicant submits that '435 reference teaches away from the modification suggested by the Office Action, and as a result, the Office Action appears to rely on a combination of references having teachings that are inconsistent with each other. For example, the '435 reference teaches using a battery to precharge a filter capacitor in order to reduce the voltage differential when a switch closes.

(*See, e.g.*, Col. 1 line 38 to Col. 2 line 8). The Office Action's attempted modification is illogical because it attempts to equate the battery of the '778 reference to a reservoir capacitor, and because the '778 reference teaches that the battery is of necessity in phase with the utility power because it maintains electrical connectivity with motor 50. (See Col. 5, lines 37-40). Thus, the stated purpose of the '435 reference is inconsistent with and teaches away from, the circuit of the '778 reference.

Moreover, the Office Action asserts that the '435 reference would be used to solve the problem of the '778 reference due to reconnecting the power supply to the bus line which draws a surge from the power supply to the capacitor. Applicant submits that the '778 reference: 1) does not teach connecting a power supply to a capacitor and 2) teaches that the battery 70 maintains electrical connection with the motor 50, and thus, does not require 'reconnecting' as suggested by the Office Action.

Accordingly, the basic tenets for maintaining a §103 rejection are not present, because the Office Action fails to present correspondence to the claim invention, and fails to present evidence of motivation for the asserted combination of teachings. As set forth in MPEP § 2143.01, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. Thus, "[t]he test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In this instance, the Office Action merely alleges that the combination of cited teachings could be useful to solve a particular problem, but with no explanation of or citation to where these references may have identified this problem and where these references suggest that the problem be solved as suggested by the Office Action. Such arguments are not evidence of motivation as required in MPEP § 2143.01. Moreover, the problem suggested by the Office Action is not present in the '778 reference.

Accordingly, the basic tenets for maintaining a §103 rejection are not present, because the Office Action fails to present correspondence to the claim invention, Therefore, Applicant submits that the rejection is improper and should be removed.

With respect to claim 19, Applicant invokes the interpretation mandated by 35 U.S.C. §112(6), and submits that at least one significant difference is the structure/means associated with the function of for controlling switching of at least one switch. This structure/means is depicted and discussed in various embodiments as circuit 43 (e.g., depicted in one example form in FIG. 3). This circuit 43 corresponds to the structure/means associated with the function of controlling switching of a switch controlling charging of a reservoir capacitor of a floating power transfer device across which a load is applied when in use, and as discussed above, there is no equivalent structure present in the asserted prior art. Therefore, as indicated in the MPEP, claim 19 should be allowed.

Applicant now turns to the specific rejections of the dependent claims.

Applicant first submits that in view of their dependency on the above-discussed independent claims, each of the dependent claims, 2-6, 8-12 and 14-18, should be allowed because they include all the limitations of the claims from which they depend.

With specific reference to the rejections of claims 2-3, 8-9 and 13-15 under 35 U.S.C. § 103(a) over the Crocker '778 reference in view of the Baumgartner '435 reference, Applicant respectfully traverses. The Office Action fails to show correspondence for each and every of the claimed limitations. For example, claims 2, 8 and 14 contain a limitation directed to a float level shift circuit for shifting a fault detection signal. The Office Action cited passage and Fig. 2 elements of the '778 reference do not teach any level shifting of signals, and Applicant is unable to find any reference to level shifting a fault detection signal in the '778 reference.

With specific reference to the rejections of claims 4, 10 and 16 under 35 U.S.C. § 103(a) over the Crocker '778 reference in view of the Baumgartner '435 reference and the Hawkes '883 reference of, Applicant respectfully traverses. Applicant submits that claim 4 depends from claim 1, claim 10 depends from claim 7, and claim 16 depends from claim 13, and independent claims 1, 7, and 13 should be in condition for allowance as discussed above. As stated above, the '778 reference fails to teach the floating power transfer circuit of claims 1 and 13 and the reservoir capacitor of claim 7. Thus, claims 4, 10 and 16 should be in condition for allowance because they include all the limitations of the

claims they depend from. Accordingly, Applicant respectfully requests that the rejections be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Applicant respectfully requests that the rejections be withdrawn. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the senior patent counsel overseeing the application file, Adam L. Stroud, of Philips Corporation at (408) 474-9064.

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